

A3 Applicants have made a deposit of at least 2500 seeds of Inbred Maize Line NP2174 with the American Type Culture Collection (ATCC), Manassas, Virginia, 20110-2209 U.S.A., ATCC Deposit No: PTA-2970. This deposit of the Inbred Maize Line NP2174 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicants have satisfied all the requirements of 37 C.F.R. §§1.801-1.809, including providing an indication of the viability of the sample. Applicants impose no restrictions on the availability of the deposited material from the ATCC; however, Applicants have no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicants do not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.).

In the claims:

Please amend the following claims:

A4 1. (Amended) Seed of Maize inbred line NP2174 having been deposited under ATCC Accession No. PTA-2970.

2. (Amended) A maize plant, or parts thereof, of inbred line NP2174, seed of said line having been deposited under ATCC Accession No. PTA-2970.

A5 6. (Amended) A male sterile maize plant, or parts thereof, otherwise having all the physiological and morphological characteristics of the plant according to claim 2.

503 7. (Amended) The maize plant, or parts thereof, according to claim 2, further comprising one or more single gene transferred traits.

17. (Amended) The tissue culture according to claim 16, the regenerable cells being selected from the group consisting of embryos, meristems, pollen, leaves, anthers, roots, root tips, silk, flowers, kernels, ears, cobs, husks and stalks, or being protoplasts or callus derived therefrom.

18. (Amended) A maize plant regenerated from the tissue culture of claim 16, capable of expressing all the morphological and physiological characteristics of inbred line NP2174, seed of said inbred line having been deposited under ATCC Accession No. PTA-2970.

20. (Amended) The method according to claim 19, wherein said resultant seed is a first generation (F1) hybrid maize seed.

21. (Amended) The method according to claim 19, wherein the inbred maize plant of claim 2 is the female parent.

22. (Amended) The method according to claim 19, wherein the inbred maize plant of claim 2 is the male parent.

26. (Amended) The method according to claim 25, wherein said resultant seed is a first generation (F1) hybrid maize seed.

27. (Amended) The method according to claim 25, wherein the inbred maize plant of claim 5 is the female parent.

28. (Amended) The method according to claim 25, wherein the inbred maize plant of claim 5 is the male parent.

32. (Amended) The method according to claim 31, wherein said resultant seed is a first generation (F1) hybrid maize seed.

33. (Amended) The method according to claim 31, wherein the inbred maize plant of claim 7 is the female parent.

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34. (Amended) The method according to claim 31, wherein the inbred maize plant of claim 7 is the male parent.

37. (Amended) A method for producing inbred line NP2174, representative seed of which has been deposited under ATCC Accession No. PTA-2970 comprising:

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(a) planting a collection of seed comprising seed of a hybrid, one of whose parents is a plant according to claim 2, or a maize plant having all the physiological and morphological characteristics of a plant according to claim 2, said collection also comprising seed of said inbred line;

(b) growing plants from said collection of seed;

(c) identifying said inbred plants, wherein said inbred plants are identified by their decreased vigor;

(d) selecting said inbred plant; and

(e) controlling pollination in a manner which preserves the homozygosity of said inbred plant.

38. (Amended) The method according to claim 37, wherein said one parent is the plant of inbred maize line NP2174, further comprising a single gene transferred trait.

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40. (Amended) A method comprising introgressing a single gene trait into inbred maize line NP2174, seed of said line having been deposited under ATCC Accession No. PTA-2970, using one or more markers for marker assisted selection among maize lines to be used in a maize breeding program, the markers being associated with a single gene trait, wherein the resulting maize line is inbred maize line NP2174 further comprising said single gene transferred trait.

41. (Amended) The method according to claim 40, wherein said a single gene trait comprises a Cry1Ab gene.

Please add the following claims:

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43. (New) The maize plant, or parts thereof, of claim 5, wherein the plants or parts thereof have been transformed so that its genetic material contains one or more transgenes operably linked to one or more regulatory elements.

44. (New) A method for producing a maize plant that contains in its genetic material one or more transgenes, comprising crossing the maize plant of claim 43 with either a second plant of another maize line, or a non-transformed maize plant of the line NP2174, so that the genetic material of the progeny that result from the cross contains the transgene(s) operably linked to a regulatory element.

45. (New) The maize plant, or parts thereof, of claim 8, wherein the plants or parts thereof have been transformed so that its genetic material contains one or more transgenes operably linked to one or more regulatory elements.

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46. (New) A method for producing a maize plant that contains in its genetic material one or more transgenes, comprising crossing the maize plant of claim 45 with either a second plant of another maize line, or a non-transformed maize plant of the line NP2174, so that the genetic material of the progeny that result from the cross contains the transgene(s) operably linked to a regulatory element.

47. (New) A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 2 as a source of said breeding material.

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48. (New) A maize plant breeding program of claim 47, wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding,